

REMARKS

Claims 1-17 have been examined, and have been rejected under 35 U.S.C. § 103(a).

Preliminary Matters

The Examiner has objected to Figs. 5 and 6 since such figures are not labeled as “prior art”. Accordingly, Applicant is submitting herewith substitute formal drawings for Figs. 5 and 6.

In addition, Applicant has made a minor amendment to claim 10 to correct a typographical error. Such amendment is not made in view of the prior art and does not narrow the scope of the claim.

Rejections under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,304,416 to McAllister et al. (“McAllister”) in view of U.S. Patent No. 5,730,382 to Kaneda et al. (“Kaneda”).

A. Claim 1

Applicant submits that claim 1 is patentable over the cited references. For example, claim 1 recites that a memory is positioned so that at least part of the memory overlaps a virtual straight line joining at least two joint surfaces. Claim 1 further recites that through holes are

formed in the joint surfaces of at least one of an upper case and a lower case, such that the virtual straight line joins the through holes.

McAllister fails to disclose that the memory device 30 is positioned so that at least a part of the memory device 30 overlaps a virtual straight line joining through holes in at least two joint surfaces. Further, Applicant notes that Kaneda fails to cure the deficient teachings of McAllister.

Accordingly, Applicant submits that claim 1 is patentable over the cited references.

B. Claims 2-9

Since claims 2 and 4-9 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

Further, since claim 3 has been canceled, without prejudice or disclaimer, Applicant submits that the rejection of such claim is now moot.

C. Claim 10

Applicant submits that claim 10 is patentable over the cited references. For example, claim 10 recites that a memory is positioned so that at least part of the memory overlaps, in plan view, a virtual straight line joining the bosses respectively positioned near both corner portions of a recording tape cartridge.

The Examiner maintains that the combination of McAllister and Kaneda disclose the above features. However, even if the bosses 20, 21 and the boss receiving members 31 of Kaneda were provided in the McAllister cartridge 10, there would still be no suggestion or motivation to position the memory device 30 so that it overlaps a virtual straight line joining the boss portions. Accordingly, Applicant submits that the claimed configuration is not obvious over the alleged combination of the prior art.

In view of the above, Applicant submits that claim 10 is patentable over the cited references.

D. Claims 11-14

Since claims 11-14 are dependent upon claim 10, Applicant submits that such claims are patentable at least by virtue of their dependency.

E. Claim 15

Since claim 15 contains features that are analogous to the features recited in claim 1, Applicant submits that claim 15 is patentable over the cited references for at least reasons analogous to those presented above for claim 1.

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 10/615,921

F. Claims 16 and 17

Since claims 16 and 17 are dependent upon claim 15, Applicant submits that such claims are patentable at least by virtue of their dependency.

Newly Added Claims

Applicant has added claims 18 and 19 to provide more varied protection for the present invention.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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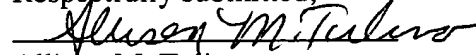
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Respectfully submitted,



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